

COMMISSIONERS PROCEEDINGS
FEBRUARY 3, 2004
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stanton, Pridemore, and Morris, Chair, present.

PROCLAMATION

Commissioner Morris read a proclamation declaring 2004 as Operation Hero Miles Year in Clark County, Washington. [Donations of frequent flyer miles could be made www.heromiles.org]. A representative from the Red Cross accepted the proclamation.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

PUBLIC COMMENT

Curtis Achziger, Vice-President, NE Hazel Dell Neighborhood Association, requested that Commissioner Morris make a presentation on the neighborhood association's behalf. Morris presented an award to Dan McNay, Inspector for Clark County's Department of Community Development, for excellent work.

BID AWARD

Reconvened a public hearing for Bid Award 2355 – Salmon Creek Outfall Stabilization Project. Mike Westerman, General Services, read a memo from General Services requesting that Bid 2355 be awarded to the lowest responsive bidder. There being no public comment, **MOVED** by Stanton to award Bid 2355 to Advanced American Diving Services, Inc., of Oregon City, Oregon in the total bid amount of \$146,882.34, including Washington State sales tax, and grant authority to the County Administrator to sign all bid related contracts. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 73)

CONSENT AGENDA

Morris asked for clarification from Budget office staff regarding item 5 – Notice of Hearing for supplemental appropriation in the amount of \$17,296,433.

Jim Dickman, Office of Budget, explained that the request has to be advertised as just the expenditure side only and they don't net at this point when they advertise the revenues against it. He said he thought that in doing that, it would be an increase of about \$1 million across all funds if you add the revenues against it.

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Morris said this is another instance in which the figure looks large, but in reality the money is coming from the outside in and it's not just normal tax dollars that they're talking about.

Stanton referenced agenda item 1 – Livingston Mountain Resolution. She explained that there had been a miscommunication in the office and the board hadn't been provided a copy of an appeal from Keith Hirokawa. Also, *Stanton* wanted to apologize for comments she had made during a previous meeting. Subsequently, the board was given a copy of the letter; however, *Stanton* said it didn't change her decision.

Pridemore agreed and added that it was an extremely good appeal. He also didn't see anything that would overturn the hearings examiner.

Morris noted that she had initially received the letter.

Pridemore referred to item 6 – Continuation of the Custodial Contract with Encore Group NW. He stated that they have done extremely good work in the community, as well as the building.

Stanton asked for direction regarding approval of agenda item 1.

Rich Lowry, Prosecuting Attorney's Office, responded that he felt the board had already provided the basic certification necessary, i.e. they read the letter to the extent that they didn't have it before and it didn't cause them to change their conclusions as to the appeal. *Lowry* noted that he asked the Clerk of the Board to include the board's conclusion in the minutes.

There being no public comment, **MOVED** by *Pridemore* to approve items 1 through 15. Commissioners *Morris*, *Stanton*, and *Pridemore* voted aye. Motion carried. (See Tape 73)

PUBLIC HEARING: COMPREHENSIVE PLAN UPDATE

Held a public hearing to take testimony regarding the update to the Comprehensive Growth Management Plan. At this hearing the following was considered:

1. Proposed changes to the 20-Year Comprehensive Growth Management Plan text and policies contained within.
2. Implementation Measures – Proposed zoning ordinances necessary to implement the Comprehensive Plan.

Morris asked about the appropriateness of taking public testimony regarding the map, since it was advertised as a public hearing on the code.

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Rich Lowry, Prosecuting Attorney's Office, responded that he didn't think there would be any harm in accepting testimony regarding the map.

Morris indicated that they had received a substantial amount of paperwork just that morning. She doubted the board would be able to make any decisions on the code at today's hearing, given the fact that they haven't had a chance to read the materials.

There was brief discussion and it was decided to go by the sign-up sheet.

Howard Goff, owner of property in the Meadow Glade area, stated that he had concerns regarding the code. He said that in looking at the map – the southern Meadow Glade area – it appeared there were two lots per acre. Mr. Goff asked the board to consider a change in zoning for property owners who are potentially going to develop their property from a one lot per acre under a rural requirement. Goff asked if it would be cost justified for them to have to do residential-level improvements to those lots and then get only one additional lot per acre. He further explained. Goff also referred to a proposal, which would change the zoning in the Meadow Glade area from one house per acre to 1/10 acre-5,000 sq.-ft. lots, which is a concern to many of the residents in that area. He said it appeared that the current proposal showed two lots per acre. Goff said he personally liked the idea of three lots per acre, without the possibility of having four lots per acre. He mentioned consideration of R1-15 as an addition to the code. He said there didn't seem to be a zoning classification for a 15,000-22,000 sq.-ft. lot.

Patrick Lee, Department of Community Development, said there wasn't a specific coding category that identified that as the minimum square foot lot. As Goff indicated, the R1-10 does allow up to 15,000 sq.-ft. as the maximum lot size within that zone.

Goff asked what the minimum was on the R1-10 – 10,000?

Lowry said it was 10,000 unless some other code provision applies, such as density transfer.

Goff asked if the next step up would be 20,000-30,000 sq.-ft. lots, which would represent roughly a 1/2-3/4 of an acre.

Lee said yes, it would be the R1-20 zone.

Peter Krause, 92nd Avenue – north of 179th Street, commented on the increase in density that's projected. He said there is a primary school in the area and it would be dangerous to expose the children to high density traffic. He indicated that he had spoke with many of the residents in the area and they see no benefits from expansion – only detriments. Krause stated that his home was especially built to accommodate his physical condition, and he would not be able to afford to build another house such as that. Nor would he be able to sell his home. Lastly, he talked about a wetland area located just east

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of 92nd Avenue and north of 179th Street. He said in his opinion it would be highly unconscionable to make it a residential area.

Richard Johnson, [no address provided], stated that on January 31, 2003, he and his wife had submitted a letter to the board regarding the proposed zoning change from RC-1 to R-5. Mr. Johnson read that letter aloud. Johnson said he felt that county government needs to have consistency in policy to allow people to plan for the future. He noted that 6 out of the 10 homes in Sequoia Meadows II were owned by senior citizens. He then quoted a sentence from the draft of the Comprehensive Plan for 2003-2023 – “The zones may be applied in a manner that provides for densities slightly higher than existing urban development, but the density increase should continue to protect the character of existing areas.” Mr. Johnson said that he didn’t understand how going from one home per acre to as many as ten complies with that.

Carolyn Teclanberg, 10320 NE 178th Circle, presented a petition to the board that was signed by over 100 owners of homes in acreage in the southern section of Meadow Glade. She asked that the commissioners study the petition and keep in mind the points enumerated therein when they consider the 20-year growth plan.

Lynn Hicks, Assistant Superintendent from the Battle Ground School District, asked that the board carefully examine the current boundary adjustments with respect to the residential development in the Battle Ground School District. Ms. Hicks provided some background information, as indicated in the letter she submitted to the board.

Mark Paliteer, Battle Ground School District, expressed the following concerns: 1) The last bond was passed in 1993, which was mostly for remodel and only added a minimal amount of square footage, and four subsequent bond attempts have failed; 2) Finding and purchasing building sites and there is no state match available for property purchase and they are having to compete with developers for property; 3) Two of their current schools are outside of the proposed urban growth boundary [tapes goes blank for a few seconds]...Mr. Paliteer stated that given the continued increase in the number of students, they would ask that only their land be brought back in so that they can provide schools for those students; 4) Urban holding – this ordinance would insure that adequate public infrastructure, including schools, would be in place to serve new development at the time it occurs; and 5) No net loss – this policy would allow school districts to effectively plan for the specified number of students if industrial lands can be converted to residential.

Denise Stiffarm, Attorney, Preston Gates & Ellis, spoke on behalf of the Consortium of Clark County Schools, stated that the situation in Battle Ground illustrates that the school district’s, as necessary public infrastructure providers, are very concerned about the numbers they are seeing. She said it only reiterates earlier comments they’ve made in letters, as well as public testimony, that the county consider adding a policy that would expedite the permitting of public schools and insure that infrastructure is in place when it’s needed to serve students.

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Morris asked if it was correct that in the last “go around” of the map, in which they had substantially increased the job producing land to the residential land, if that factored into their ease at providing a tax base.

Hicks said it could help.

Morris wanted verification regarding the number of new elementary schools – was it six?

Hicks said yes, that their setup for elementary and middle schools was around 900 students for K-8 – K-4 is about 450 and 5-8 is about 450, and the middle school was probably smaller than what might be found in the Vancouver/Evergreen School District.

Morris said that in the Battle Ground School District, requiring that schools be inside urban growth boundaries could be especially difficult from a transportation perspective. She asked Ms. Hicks if she has identified where those elementary school students would come from and where the schools would need to be built.

Hicks said they are currently working on identifying those sites. She indicated that kids living in Yacolt were bussed the furthest to Battle Ground, and so they were most likely looking at building a high school in north county to help relieve that.

Stanton said the numbers are disturbing in terms of total number of students. She said that when they put the lines on the map the way they exist today, it was for the purpose of coming up with good capital facilities plans as to how those areas would be served. Then the next step would be to determine where the most cost-effective place to grow would be. She asked Ms. Hicks where she would choose to have residential growth occur in her district and why.

Hicks said she would provide that information. She added that right now they are playing catch up and that she worries about whether taxpayers would be willing to support that infrastructure.

Stanton said that one of the things she wants to look at as they make their final decision is if there are school districts with excess capacity now and, if so, where are they?

Pridemore thanked the consortium and said this has been a process in which the schools have been very actively engaged from the beginning. After looking at the maps, he felt that Battle Ground and Ridgefield were going to have some real challenges. Ridgefield’s could be ameliorated somewhat if they actually do get the kind of industrial and tax base that the map suggests could develop there. He said Battle Ground was in a very difficult situation. Percentage-wise, a greater share of the youth population is likely to occur in Battle Ground and the board doesn’t have the ability to simply say no more children in Clark County. He said it was something all would have to struggle with.

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Hicks said they see that they have the most available land, but they need to be able to manage and control that so everyone isn't there all at once. She asked that the board consider the situation.

Morris said Ridgefield is the most posed to be able to afford new students because of what appears to be a very large amount of job producing land that would ultimately be added to that school district. She said it was a sticky problem right now. *Morris* asked if school districts ever have discussions among school districts about revenue sharing or change of boundaries.

Hicks said that Commissioner Stanton brought up that subject at a meeting with the school superintendents over a year ago, and it wasn't completely well received.

Stanton stated that when she says there ought to be one countywide school district, it is not well received, but it sure would help on the board's end of balancing revenue and where the most logical, best planned areas are for people to live. She said it would make it easier for the board, but one of the board's responsibilities is to take a look at how the decisions that are made in terms of land use impact all of the jurisdictions. It is one of the biggest challenges the board has. *Stanton* also appreciated the schools' involvement in the process.

Morris complimented the school districts and the consortium in helping to put together very helpful data.

Hicks noted that county staff has been very helpful as well.

John Karpinski talked about the code – specifically about mixed use and proposed mixed use ordinance. Mr. Karpinski referred to mixed use in Camas' recent ordinance – an overlay to an existing industrial business park designation. He felt a jobs-per-acre performance standard needed to be set. He said the ordinance does a few things worth looking at, e.g. makes jobs built first or concurrent; doesn't allow any stand alone residential buildings; doesn't allow single family detached structures; and it provides 50% of the land for jobs. It does push the market in terms of what people want to do. It does not flatly require single building mixed use, which was his overwhelming preference. Karpinski said that Camas' ordinance has some ideas that aren't in Clark County's ordinance regarding a job guarantee by having a concurrency. He said there was a minimum density-per-acre of 10 units per acre.

Pridemore said a requirement for concurrent jobs that he liked best in a single mixed use development is Heritage Place. It was unable to fill its commercial spaces when it first opened and needed to move forward with the residential. So, the concurrent requirement would need some work on how to go about doing that.

Karpinski said everyone is saying we need jobs, jobs, jobs, but the reality is 20% of industrial and 20% of commercial lands are vacant, and the jurisdictions that were given more job land just rezoned the job

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land to residential because there is no market for jobs. He said if we are creating jobs, then there needs to be a mixed use standard that will implement that.

Morris agreed with many of the things *Karpinski* said. She asked him about the jobs-per-acre target. She said a wage level was adopted in the Mitigated D a number of years ago, but not in the code. It was in the Comp Plan policies. She asked if that approach would be satisfactory because there are no requests anymore for Mitigated D because no one is coming through with family wage jobs. She said if this is for jobs, there needs to be goals in mind.

Karpinski said the goal can be jobs-per-acre, family wage jobs, or both. He reiterated that standards were needed.

Morris said the minimum lot size for mixed use is 2,500 sq.-ft. – mixed use tends to have smaller, boutique kinds of uses so they are harder to make money out of unless you allow a small variation on a Safeway. It's harder to pay rent for new buildings, which makes it more difficult to recruit tenants.

Brian Snodgrass, City of Vancouver, expressed their support for 'no net loss' and the more flexible regional policy language that staff and the Planning Commission came up with. He said they support having some kind of regional guidance so that all jurisdictions are encouraged to look at that issue. Mr. Snodgrass referenced the specific wording on urban holding language, and said that it would be difficult to work out until the UGA's have been a little more solidified. He said they are in general support of what has come from the Planning Commission and originally recommended by county staff. He said they generally support application of urban holding in all of the expansion areas of the Vancouver UGA, as recommended by county staff and the Planning Commission. He said doing so wouldn't be contrary to GMA. They do have a GMA requirement to have lands available over a 20-year period, and there is a specific GMA provision that encourages development of existing urban areas that are serviced before new areas requiring new extension of services. From their perspective, it is squarely within the legal construct of GMA. He further explained. Lastly, Mr. Snodgrass referred to some of the map changes. He said as they understand it, the areas proposed to be added to the Vancouver UGA are 71% residential, which is a good size increase and there is some concern about that. In terms of urban holding, that would make it more important to have an application of urban holding. Snodgrass said they envision that the ultimate language of urban holding would need further revision as they go forward, and they would like to participate with the board and staff on that.

Morris had some questions regarding urban holding in which Mr. Snodgrass comments that 71% of the area added to the Vancouver UGB is residential. She asked Snodgrass if he could tell her what amount of the 71% that the City of Vancouver would actually be the service provider.

Snodgrass said he would provide that information.

Morris asked Snodgrass if he was obliged by law to provide services just because someone asks.

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Snodgrass said no, but they do have established sewer and water service districts that extend outside of city limits.

Gary Goodwin, 6614 NE 139th Street, Vancouver, stated that his property lies in an urban reserve area and he has heard that the original plan he saw in the paper actually included his property that was going to come into the service area. Mr. Goodwin indicated that he lives north of 139th Street, a bit west of 72nd Avenue. He said he heard that 7,500 sq.-ft. lots were going to be allowed on the south side of his property and he was going to continue to be in urban reserve. He explained that he had hoped to bust out at least a one-acre parcel from his property, which is 2½ acres. Goodwin further explained. He asked about the possibility of a zone change. He then referenced an article from 1993 and statements he had made – “they’re zoning all the property near the college all high-density apartments. Now, where are you going to get the sewer to service that? You’re already overloaded.” Goodwin said that if you look at the college and where they zoned the apartment zone in 1993, there’s not one building there. He said if [the county] is going to zone everything and not be considerate of where the services are and how expensive it will be to get to the services, they’re going to have a lot of land that they think is available, but is too expensive to develop.

There was discussion regarding the location of Goodwin’s property.

Matt Lewis, Building Industry Association, 5007 NE St. Johns Road, Vancouver, spoke to the issue of code changes. Lewis said that in regards to the urban holding, he had been told by staff that the actual concrete language is not being [tape cuts out]...final boundaries are set.

Lee said they were interested in action on the urban holding district, which would increase the minimum lot size to 40,000; however, how extensive do they want to apply the urban holding policy if they were to apply it in the specific language that Brian Snodgrass had referred to in terms of urban holding? He said they are recommending that it would not be appropriate to finish that discussion until after the rest of the process is played out.

Lewis reiterated the Building Industry’s position on urban holding and that it’s an acceptable planning tool in areas that are easily annexed and are directly contiguous to an incorporated municipality. It’s also acceptable to have the developer/applicant show that public infrastructure is available to support that development. However, he said they would argue that areas on the map north of 179th – many of the expansion areas to Vancouver urban growth area that aren’t directly contiguous to the City of Vancouver – should not be placed in an urban holding zone that is contingent upon approval of the City of Vancouver. In regards to mixed use, Lewis said it will be the responsibility of the BIA’s membership to build out the plan that’s approved, and in order for them to do that there needs to be some economic and market realities in the implementing zoning ordinances. He said as far as mixed use, the concept is supported by the building industry. However, as far as true mixed use Lewis suggested that they should have 2-3 types of mixed use. Lewis referenced the map and said that many of the areas that are

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proposed for mixed use are green field sites on the urban fringe. He said they would propose a different zoning, such as urban village zoning. Lewis further explained. He then commented on infill, stating that one of the changes, as indicated in the staff report as a question to the board, was whether to apply infill to expansion areas. He said the thought was that infill was designed for passed over parcels, and these are parcels on the urban fringe. He said that in 10 years housing production was going to be a focus of the county, and encouraged them to include any code changes that will increase the opportunity for housing productions.

Morris asked Mr. Lewis where the urban village zoning has been used.

Lewis said it's been used in Florida and suggested that some of the planners might be able to provide additional detail. He said mixed use is a niche segment of the market now and there are some successful examples. He stated that one of their more specific recommendations was the creation of a small task force throughout the rest of 2004 to look at an employment mixed use and residential mixed use. He said it might be worthwhile to bring in some experts from the development field, along with county planners, to create something that works.

Stanton asked how the urban village is different from what was identified as town centers in the original plan. Is urban village even smaller than a town center?

Lewis said he thought it was similar in concept, but a little less intense. He further explained.

Morris said if they were going to have mixed use that has a significant job requirement or especially in commercial, it's important to have successful housing otherwise those particular kinds of shops won't be able to survive because they're not designed to draw to a larger region unless there's going to be a small-scale Safeway or drug store.

Pridemore asked Lewis if he supported the increase in the minimum lot sizes for those areas – urban holding, urban reserve.

Lewis said they didn't take a position on that.

Harold Hansen, 9901 NE 170th Street, Battle Ground, expressed concern about the Meadow Glade area and stated that he would be commenting on behalf of the Meadow Glade Neighborhood Association. He said it seems like they're going from the largest rural center in Clark County to an urban holding for Battle Ground. Mr. Hansen pointed out that Meadow Glade is the largest of the seven rural centers in Clark County and it's also one of the oldest population centers in Clark County. Also, he noted that the Meadow Glade water system started in 1964 and was the largest private water system in the state of Washington until it was sold to Clark Public Utilities in the mid-90's. Hansen further explained. He said Meadow Glade is also one of the most active neighborhood associations and the

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county is making major decisions, yet no one has talked with anyone from the Meadow Glade area. He said the area was very special and they should be able to provide input regarding any changes.

Morris asked Mr. Hansen if Meadow Glade was a county neighborhood association.

Hansen said they went through the state of Washington to become a neighborhood association in 1989.

Morris explained that the county's neighborhood association office has been very aggressive in keeping neighborhood association's updated about what's happening in their neighborhoods.

Hansen responded. [Tape briefly cuts out]

Morris stated that there had been massive mailings, as well as discussions about changes to the comprehensive plan for many years. She thought that if Hansen hasn't had any direct notification, it's probably because they aren't a part of the county neighborhood association network.

Hansen said he would like to know who has decided that Meadow Glade is going to become a part of Battle Ground despite opposition from so many people.

Morris said the County Commissioners had settled on it July of 2003. She explained that [the map] was circulated for a very long time and stimulated significant reaction from a number of people who didn't like it. She said there has been variations on it ever since and significant changes from the Planning Commission. It came back to the Commissioners and they made changes to it. *Morris* said they do realize how confusing all the changes are and that she would be more than happy to come to a Meadow Glade neighborhood association meeting, along with Pat Lee, and have discussions.

Hansen asked that there be consideration as to where they are putting Meadow Glade – as a neighborhood association and as a rural center. He said the county would be taking away Meadow Glade's ability to be a rural center.

Stanton said it's a tough one because the question comes down to whether an area's rural or urban. She said she looks at Meadow Glade and sees many indications that it's an urbanized area and in her opinion it should have been added to Battle Ground's urban growth boundary in 1994. She said there's no doubt that they've gone through a lot of iterations with the map, but it's all been part of the public process and they have listened to comments people have made. She said the current map acknowledges Meadow Glade as an urban area, as opposed to a rural area. She said they do have rural centers, but none of them have a proximity to a city as much as Meadow Glade does and that's where it becomes a gray area.

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Pridemore said the definition of a rural center is a slightly urbanized area surrounded by rural lands and it's intended to serve a rural population. He said if nothing is done, Meadow Glade will become a rural center surrounded by an urban development, with no facilities planned for that urban level of impact.

Morris noted that every time they bring someone into an urban growth boundary, they become disturbed because they expected that things would be as they intended in perpetuity. She said she thought urban centers were in a better bargaining position than anyone else to become a part of an urban area, but ultimately are in charge of their own fate and also there a lot of opportunities for neighborhood associations to be effective. She agreed with Commissioners Pridemore and Stanton that Meadow Glade would end up being surrounded by city and urban population.

Hansen said because Meadow Glade is so unique, they should be able to provide input.

Pridemore said they had certainly received a lot of input, including testimony from John Karpinski on behalf of Meadow Glade, which would have to be checked into. Pridemore said if they look at the sewer situation, they know the step system wouldn't work for much longer. They need to start planning on how they're going to get real sewer systems in there. They need to look at what Meadow Glade is going to look like tomorrow and can it remain a place where people want to live. He said there are a lot of challenges, but that over time this will probably be the best direction for Meadow Glade.

Morris told Mr. Hansen that they would stay in contact.

Commissioner Morris closed public testimony for the morning.

MOVED by Pridemore to continue the hearing to February 17, 2004, at 10:00 a.m. Commissioners Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 74)

The Board of County Commissioners' adjourned and convened as the Board of Health.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

There being no public comment, **MOVED** by Pridemore to approve consent agenda item #1. Members Morris, Stanton, and Pridemore voted aye. Motion carried. (See Tape 74)

Adjourned

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BOARD OF COUNTY COMMISSIONERS

Craig A. Pridemore/s/
Craig A. Pridemore, Chair

Betty Sue Morris, Commissioner

Judie Stanton/s/
Judie Stanton, Commissioner

ATTEST:

Louise Richards/s/
Clerk of the Board

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